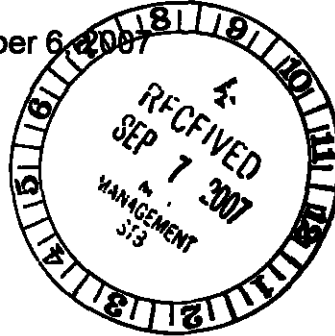




Gabriel S. Meyer  
Assistant General Attorney

220222

September 6, 2007



**VIA U.P.S. OVERNIGHT**

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

**RE: Docket No. AB. 33 (Sub. No. 254-X)—Proposed Abandonment of the  
Riverside Industrial Lead, from Milepost 545.83 to Milepost 546.14, a  
distance of 0.31 miles in Riverside County, California.**

Dear Secretary Williams

Pursuant to the Board's exemption procedures for discontinuance and abandonment of rail lines with no local business for at least two years, (49 C F R 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 254X)  
Enclosed is a credit authorization voucher in the amount of \$3,200.00 for the filing fee.  
Please contact me if you have any questions.

Sincerely,

*Gabriel S. Meyer*

Enclosures

**FILED**  
SEP 7 2007  
SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

SEP 07 2007

Part of  
Public Record

**FEE RECEIVED**

SEP 7 2007

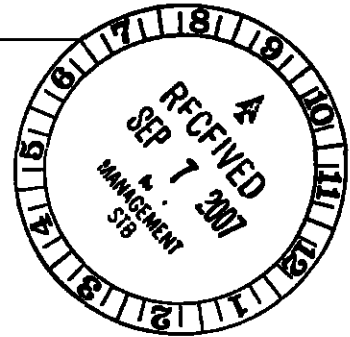
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

220222

Docket No AB-33 (Sub-No 254X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN RIVERSIDE COUNTY, CALIFORNIA  
(RIVERSIDE INDUSTRIAL LEAD)



Notice of Exemption

ENTERED  
Office of Proceedings

SEP 07 2007

Part of  
Public Record

**FILED**

SEP 7 2007

SURFACE  
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY  
Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

**FEE RECEIVED**

SEP 7 2007

SURFACE  
TRANSPORTATION BOARD

Dated September 6, 2007  
Filed September 7, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No AB-33 (Sub-No 254X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN RIVERSIDE COUNTY, CALIFORNIA  
(RIVERSIDE INDUSTRIAL LEAD)

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Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C F R 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment and discontinuance of service over the Riverside Industrial Lead, from Milepost 545 83 near Third Street to Milepost 546 14 near Sixth Street, a distance of 0.31 miles in Riverside County, California (the "Line").

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The discontinuance and abandonment are proposed to be consummated on or after October 26, 2007 (at least 50 days after filing the Notice of Exemption)

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years  
UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District

Court or has been decided in favor of the complainant within the two-year period The subject Line has not been used for freight traffic for at least two years There is no overhead traffic over the Line. Therefore, there is no necessity to reroute any traffic

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**(a) General**

**(a)(1)** The railroad's exact name is Union Pacific Railroad Company.

**(a)(2)** UP is a common carrier by railroad subject to 49 U S C Subtitle IV, Chapter 105.

**(a)(3)** UP intends to abandon the Riverside Industrial Lead from Milepost 545 83 near Third Street to Milepost 546 14 near Sixth Street, a distance of 0.31 miles in Riverside County, California (the "Line")

**(a)(4)** A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and is hereby made a part hereof.

**(a)(7)** The representative to whom correspondence regarding this abandonment should be sent is

Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

**(a)(8) ZIP Code** The Line traverses U. S Postal Service Zip Code 92507

**(e)(4) Rural and Community Impact**

The Line was originally constructed by the Southern California Motor Road in 1889. When last used, the Line's track was constructed of 80 and 90-pound jointed rail. UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads (including Interstates 15 and 215, and the Riverside Freeway) and utility lines. The right-of-way is not suitable for use as a recreational trail due to its limited length and location in an industrialized area. Based on information in UP's possession, the Line does not contain federally granted right-of-way. The Line lies in the City of Riverside, which is already served by numerous local streets and highways.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. No complaints regarding cessation of service have been filed at the Board, are pending, or have been decided in favor of a complainant in the past two years. The Line's abandonment will have no effect on local or regional transportation systems, and no traffic will be diverted to other transportation systems.

Based on information in the UP's possession, the Line contains no federally granted rights-of-way and none of the adjacent property is reversionary. Any documentation in UP's possession will be made available promptly to those requesting it.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co -- Abandonment -- Goshen , 360 ICC 91 (1979)

### **Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C F R §§ 1152 50(d)(1), 1105 11 and 1105.12.

### **Environmental and Historic Report**

A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report ("CEHR") containing the information required by 49 C F.R §§ 1105 7 (e) and 1105 8, and delivered in accordance with 49 C.F R 1105 11, is attached hereto as **Exhibit C** and hereby made a part hereof The original and ten (10) copies were filed with Ms Victoria Rutson, Section of Environmental Analysis (SEA), on August, 15 2007 The CEHR indicates that the proposed abandonment does not involve historic properties

Dated this 6th day of September, 2007

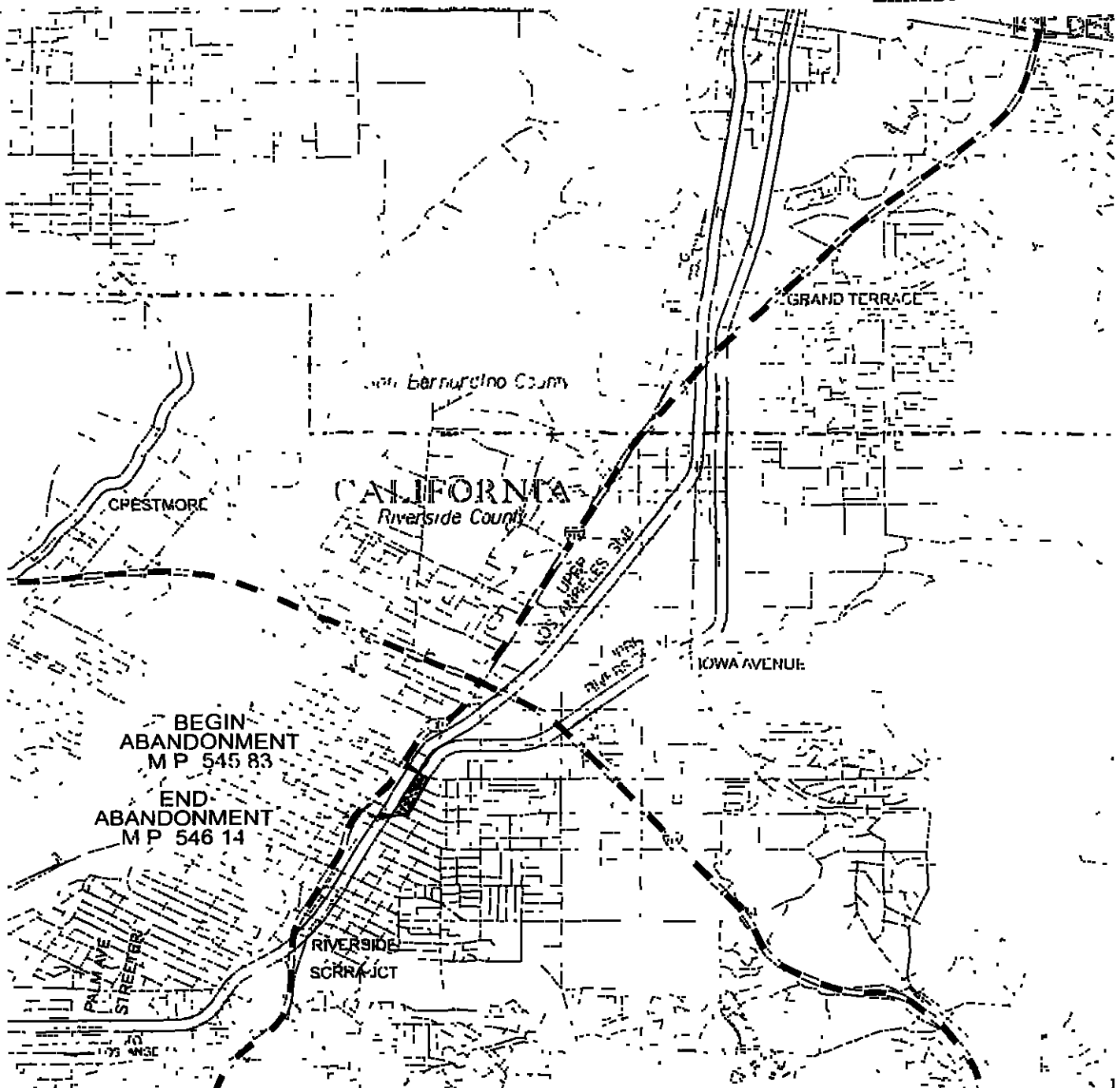
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY






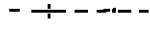



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Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)



NOTE THERE ARE NO 50+ YEAR OLD STRUCTURES  
IN THE ABANDONMENT SEGMENT

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

RIVERSIDE INDUSTRIAL LEAD

MP 545.83 TO MP 546.14  
TOTAL OF 0.31 MILES  
IN RIVERSIDE COUNTY

UNION PACIFIC RAILROAD CO  
RIVERSIDE INDUSTRIAL LEAD  
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES

**DOCKET NO. AB-33 (SUB-NO. 254X)**  
**Riverside Industrial Lead in Riverside County, California**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on August 23, 2007 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon and discontinue service on the Riverside Industrial Lead from Milepost 545.83 near Third Street to Milepost 546 14 near Sixth Street, a distance of 0 31 miles in Riverside County, California in Docket No AB-33 (Sub-No 254X) Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson St , Suite #700  
Oakland, CA 94607

U S Dept of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W. Auditors Bldg.  
14<sup>th</sup> St. & Independence Ave., SW  
Washington, DC 20250

Department of Defense  
Military Traffic Management  
Command  
Transportation Engr. Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd.  
Suite #130  
Newport News, VA 23606-2575

**49 C.F.R. § 1105.11 -**

The undersigned certifies that on August 15, 2007 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C F R §§ 1105.7 and 1105.8 was served in Docket No AB-33 (Sub-No 254X) for

abandonment and discontinuance of the Riverside Industrial Lead in Riverside County, California on the following.

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U S Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U S Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

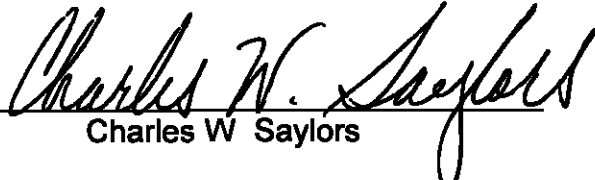
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Riverside	<i>Riverside Press-Enterprise</i>	August 31, 2007

Dated this 6th day of September, 2007.

  
Charles W Saylor



Gabriel S. Meyer  
Assistant General Attorney

August 14, 2007

**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
395 E Street, SW  
Washington, DC 20423

**Attention: Victoria Rutson**

**Re: Proposed Abandonment of the Riverside Industrial Lead, from Milepost 545.83 to Milepost 546.14, a distance of 0.31 miles in Riverside County, California; STB Docket No. AB-33 (Sub-No. 254X)**

Dear Ms Rutson

Enclosed for filing in the above-referenced matter is the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. Section 1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after September 4, 2007. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S. Meyer".

Gabriel S. Meyer

Enclosures

O:\ABANDONMENTS\33-249X\STB EHR.doc

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No AB-33 (Sub-No 254X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN RIVERSIDE COUNTY, CALIFORNIA  
(RIVERSIDE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY  
Gabriel S. Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

Dated August 14, 2007  
Filed August 15, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No AB-33 (Sub-No 254X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN RIVERSIDE COUNTY, CALIFORNIA  
(RIVERSIDE INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C F R § 1105 7(e) and 49 C F R § 1105 8(d), respectively, for an exempt abandonment and discontinuance of service over the Riverside Industrial Lead from Milepost 545 83 near Third Street to Milepost 546 14 near Sixth Street, a distance of 0 31 miles in Riverside County, California (the "Line") The Line traverses U S Postal Service Zip Code 92507. The UP anticipates that a Notice of Exemption to abandon the Line will be filed at the STB on or after September 4, 2007

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made a part hereof UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof Responses received thus far to UP's letter are attached hereto and sequentially referenced as attachments in the appropriate sections of this Combined Environmental and Historic Report

**ENVIRONMENTAL REPORT**  
**49 C F R § 1105 7(e)**

**(1) Proposed action and alternatives** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves the exempt abandonment and discontinuance of service over the Riverside Industrial Lead from Milepost 545.83 near Third Street to Milepost 546.14 near Sixth Street, a distance of 0.31 miles in Riverside County, California.

The abandonment of the Line will have no adverse effect on shippers. The Line is in poor condition and shipping activity has been relocated off the Line. There is no new industry location foreseen that could produce rail traffic sufficient to justify rehabilitation of the Line and cover ongoing operational expense. There is no overhead traffic. After abandonment, UP will continue to provide rail service on the remaining portion of the Riverside Industrial Lead. BNSF Railway also serves the Riverside area.

The Line was originally constructed by the Southern California Motor Road in 1889. When last used, the line's track was constructed of 80 and 90-pound jointed rail. The Line does not contain any federally granted rights-of-way and does not contain any reversionary property.

UP does not believe the property is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads (including Interstates 15 and 215, and the Riverside Freeway) and utility lines. The right-of-way is not suitable for use as a recreational trail due to its limited length and location in an industrialized area.

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

**(2) Transportation system** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Because no traffic moves over the Line and no traffic is expected to move in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

**(3) Land use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:**

(i) The Riverside County Commissioners Office has been contacted. To date UP has not received a response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has not received a response.

(iii) Not Applicable

(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time

#### **(4) Energy**

- (i) Describe the effect of the proposed action on transportation of energy resources
- (ii) Describe the effect of the proposed action on recyclable commodities
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than.
  - (A) 1,000 rail carloads a year, or
  - (B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

#### **Response:**

- (i) There will be no effects on the transportation of energy resources
- (ii) There are no recyclable commodities handled over the Line
- (iii) There will be no effect on energy efficiency
- (iv)(A)(B) There will be no rail-to-motor diversion

#### **(5) Air**

- (i) If the proposed action will result in either
  - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
  - (B) an increase in rail yard activity of at least 100% (measured by carload activity), or
  - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions For a proposal under 49 U S C § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply

**Response:** There are no such effects anticipated

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic

of these magnitudes as a result of the proposed action

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment

**Response:** The proposed action will not affect the transportation of ozone

depleting materials

## **(6) Noise**

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed

**Response:** Not applicable

## **(7) Safety**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)
- (ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials
- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved

### **Response:**

- (i) The proposed action will have no detrimental effects on public health and safety
- (ii) The proposed action will not affect the transportation of hazardous materials
- (iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way

## **(8) Biological resources.**

- (i) Based on consultation with the U S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

### **Response:**

- (i) The U S. Fish and Wildlife Service has been contacted To date UP has received no response
- (ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

**(9) Water**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies

(ii) Based on consultation with the U S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected Describe the effects

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action (Applicants should contact the U S Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required )

**Response:**

(i) The California Department of Environmental Quality has been contacted. To date UP has received no response

(ii) The U S Army Corps of Engineers has been contacted and has determined that the proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland, and a permit is not required The Corps of Engineers' response is attached as **Attachment No. 3**, and is hereby made a part hereof

(iii) It is not anticipated there will be any requirements for Section 402 permits

**(10) Proposed Mitigation.**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

**Response:** There are no known adverse environmental impacts

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

(1) A U.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action

**Response:** See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area

**Response:** The right-of-way proposed for abandonment is 60 feet wide and surrounded by industrial buildings and storage yards. Topography is level

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area

**Response:** See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known.

**Response:** See Attachment No. 1, indicating that there are no structures 50 years old or older that are part of the proposed action

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action

**Response:** See the preceding pages for a brief history and description of carrier operations

**(6)** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

**Response:** Not applicable

**(7)** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C F R § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities)

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

**(8)** A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

**Response:** UP does not have any such readily available information.

**(9)** Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way: Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any

previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American)

**Response:** Not applicable

Dated this 14th day of August, 2007

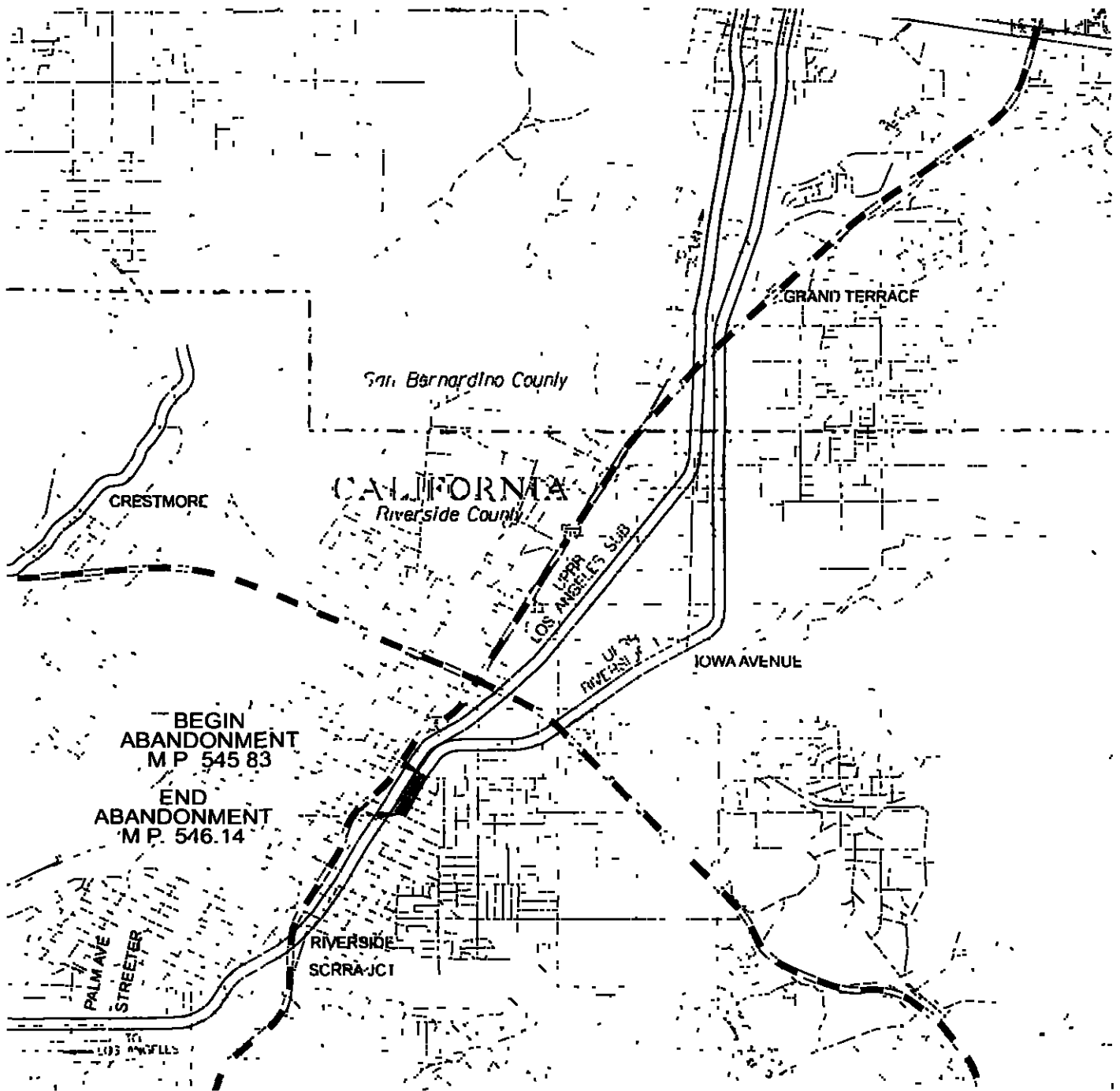
Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Gabriel S. Meyer".

Gabriel S Meyer  
Assistant General Attorney  
1400 Douglas Street  
STOP 1580  
Omaha, NE 68179  
(402) 544-1658  
(402) 501-3393 (FAX)

O:\ABANDONMENTS\33-254x\EHR doc



NOTE THERE ARE NO 50+ YEAR OLD STRUCTURES  
IN THE ABANDONMENT SEGMENT

- LEGEND**
- UPRR LINES TO BE ABANDONED
  - OTHER UPRR LINES
  - OTHER RAIL ROADS
  - RAILROADS (abandoned)
  - PRINCIPAL HIGHWAYS
  - OTHER ROADS
  - 50+ YEAR OLD STRUCTURES

**RIVERSIDE INDUSTRIAL LEAD**

M P 545.83 TO M P 546.14  
TOTAL OF 0.3 MILES  
IN RIVERSIDE COUNTY

**UNION PACIFIC RAILROAD CO  
RIVERSIDE INDUSTRIAL LEAD  
CALIFORNIA**

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES



(402) 501 0127 (FAX)

April 13, 2007

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

**State Coastal Zone Management Agency  
(if applicable):**

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco CA 94105-2219

**Head of each County:**

Riverside County Supervisors  
4080 Lemon Street 12th Floor  
County Executive Office  
Riverside, CA 92501-3679

**Environmental Protection Agency  
(Regional Office):**

U S Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**U.S. Fish and Wildlife:**

U S Fish & Wildlife Service, Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

**U.S. Army Corps of Engineers:**

U S Army Corps of Engineers,  
Los Angeles District  
915 Wilshire Blvd Suite 980  
Los Angeles CA 90017

**National Park Service:**

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

**U.S. Natural Resources Conservation Service:**

State Conservationist  
Natural Resource Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

**National Geodetic Survey:**

National Geodetic Survey  
Edward J McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

California Department of Parks and Recreation  
Office of Historic Preservation  
P O Box 942896  
Sacramento, CA 94296-0001

Re Proposed Discontinuance of the Riverside Industrial Lead from Milepost 545.83 to Milepost 546.14, a distance of 0.31 miles in the City of Riverside, Riverside County, California, STB Docket No AB-33 (Sub-No 254X)

Law Department

UNION PACIFIC RAILROAD  
1100 Douglas St., Stop 1580, Omaha NE 68179-1580  
tx (402) 501-0127

Dear Sirs

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Riverside Industrial Lead from Milepost 545 83 to Milepost 546 14, a distance of 0 31 miles in the City of Riverside, Riverside County, California. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

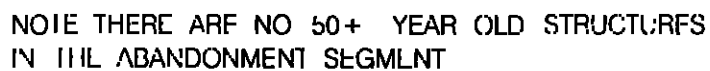
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

**Yours truly.**

G:\COLLABORATION\LEGAL PRACTICE AFFAIRS\CONSUMER PROTECTION\ADP\COMMENTS\JJ-254\JJ-00254-1ST.DOC



 UPRR LINES TO BE ABANDONED  
 OTHER UPRR LINES  
 OTHER RAILROADS  
 RAILROADS (abandoned)  
 PRINCIPAL HIGHWAYS  
 OTHER ROADS  
 50+ YEAR OLD STRUCTURES

UNION PACIFIC RAILROAD CO  
RIVERSIDE INDUSTRIAL LEAD  
CALIFORNIA

INCLUDING 10+ YEAR OLD STRUCTURES

SCALE  MILES



**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
**P.O. BOX 532711**  
**LOS ANGELES, CALIFORNIA 90053-2325**

April 25, 2007

REPLY TO  
ATTENTION OF  
Office of the Chief  
Regulatory Division

Charles Saylor  
Union Pacific Railroad Company  
1400 Douglas Street  
Ms-1580  
Omaha, Nebraska 68179

Dear Mr. Saylor

Reference is made to your letter (No. SPL-2007-423-FBV), dated April 13, 2007, for a Jurisdictional determination along Union Pacific railway Riverside Industrial Lead between mileposts 545.83 and 546.14 in the city of Riverside, Riverside County, California (as shown on enclosed maps)

Based on the information furnished in your letter, we have determined that your proposed project does not discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

If you have any questions, please contact Forrest Vanderbilt at 213-452-3289.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel P. Swenson", is written over a horizontal line.

Daniel P. Swenson  
Senior Project Manager  
South Coast Branch  
Regulatory Division

# NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant <u>Mr. Charles Saylor</u>	File Number <u>SPI-2007-423-1-BV</u>	Date <u>April 25, 2007</u>
Attached is		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I:** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A INITIAL PROFFERED PERMIT** You may accept or object to the permit

- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECTION** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B PROFFERED PERMIT** You may accept or appeal the permit

- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D APPROVED JURISDICTIONAL DETERMINATION** You may accept or appeal the approved JD or provide new information

- **ACCEPT** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E PRELIMINARY JURISDICTIONAL DETERMINATION** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

DISTRICT ENGINEER  
Los Angeles District, Corps of Engineers  
ATTN: Chief, Regulatory Branch  
P O Box 532711  
Los Angeles, CA 90053-2325

Tel (213) 452-3425 FAX (213) 452-4196

If you only have questions regarding the appeal process you may also contact:

Douglas R. Pomeroy, Appeal Review Officer  
U S Army Corps of Engineers, CISPID-ET-CO  
333 Market Street  
San Francisco, CA 94015-2195

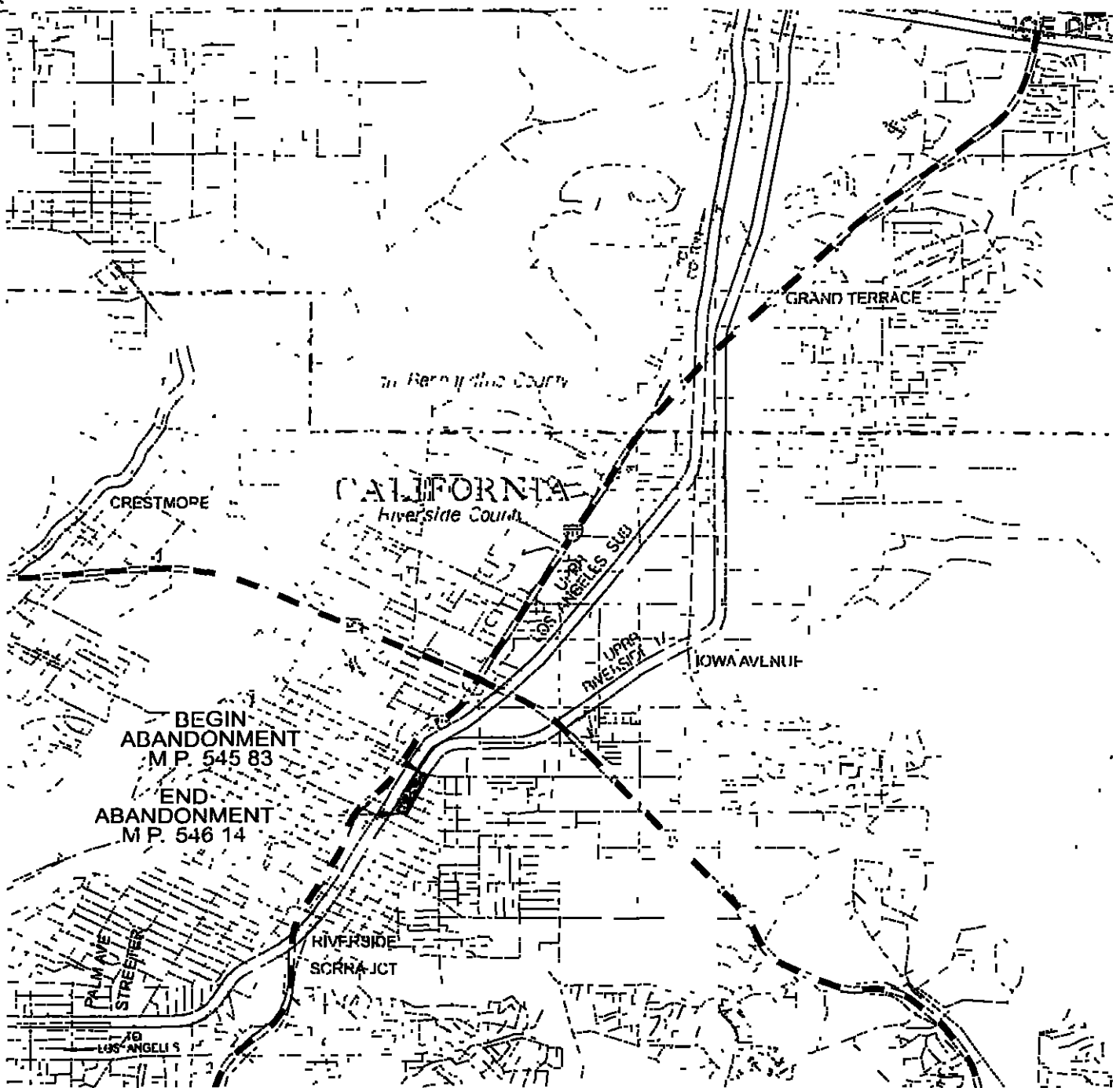
Tel (415) 977-8035 FAX (415) 977-8047

**RIGHT OF ENTRY** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Date

Telephone number

Signature of appellant or agent



NOTE THERE ARE NO 50+ YEAR OLD STRUCTURES  
IN THE ABANDONMENT SEGMENT

#### LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

#### RIVERSIDE INDUSTRIAL LEAD

MP 545.83 TO MP 546.14  
TOTAL F.O.D. M. F.S.  
IN RIVERSIDE COUNTY

#### UNION PACIFIC RAILROAD CO RIVERSIDE INDUSTRIAL LEAD CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

115 0 Abandonment Sub 33-245 51-4100-0000

DATE 09-Mar-07 08:09



**CERTIFICATE OF SERVICE**  
**OF THE**  
**COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No AB-33 (Sub-No 254X) for the Riverside Industrial Lead in Riverside County, California was served by first class mail on the 14th day of August, 2007 on the following

**State Clearinghouse (or alternate):**

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**State Environmental Protection Agency:**

California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

**State Coastal Zone Management Agency**  
**(if applicable):**

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Head of each County:**

Riverside County Supervisors  
4080 Lemon Street, 12th Floor  
County Executive Office  
Riverside, CA 92501-3679

**Environmental Protection Agency**  
**(Regional Office):**

U S Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**U.S. Fish and Wildlife:**

U S Fish & Wildlife Service, Region 1  
911 NE 11th Avenue  
Portland, OR 97232-4181

**U.S. Army Corps of Engineers:**

U S Army Corps of Engineers,  
Los Angeles District  
915 Wilshire Blvd Suite 980  
Los Angeles, CA 90017

**National Park Service:**

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

**U.S. Natural Resources Conservation Service:**

State Conservationist  
Natural Resource Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

**National Geodetic Survey:**

National Geodetic Survey  
Edward J McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**State Historic Preservation Office:**

California Department of Parks and Recreation  
Office of Historic Preservation  
P O Box 942896  
Sacramento, CA 94296-0001

Dated this 14th day of August, 2007

  
\_\_\_\_\_  
Gabriel S Meyer